

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

William McDermet,

Plaintiff

v.

No. 1:19-cv-12620

National Gas & Electric, LLC; Provider Power Mass, LLC; Verde Energy USA Massachusetts, LLC; Direct Energy, LLC; Mega Energy of Massachusetts, LLC; Renaissance Power & Gas, Inc.,

Defendants

DEFENDANTS' JOINT NOTICE OF REMOVAL

National Gas & Electric, LLC; Provider Power Mass, LLC; Verde Energy USA Massachusetts, LLC; Direct Energy Services, LLC, incorrectly named as Direct Energy, LLC; Mega Energy of Massachusetts, LLC; and Renaissance Power & Gas, Inc. (collectively, "Defendants"), pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, remove this action from Massachusetts Superior Court, Essex County, to the United States District Court for the District of Massachusetts.

BACKGROUND

1. On November 20, 2019, Plaintiff William McDermet filed a complaint (the "Complaint") in Massachusetts Superior Court, Essex County. *McDermet v. National Gas & Electric, LLC, et al.*, No. 19-CV-1611 (Mass. Super. Ct.). A true and correct copy of the Complaint is attached as "Exhibit A."¹

2. No defendant has filed an answer in the state-court action.

¹ Copies of all process, pleadings, and orders served upon Defendants are attached in accordance with 28 USC § 1446(a).

3. National Gas & Electric, LLC was served with the summons and Complaint on December 2, 2019. A true and correct copy of the summons is attached as "Exhibit B."

4. Provider Power Mass, LLC was served with the summons and Complaint on December 2, 2019. A true and correct copy of the summons is attached as "Exhibit C."

5. Verde Energy USA Massachusetts, LLC was served with the summons and Complaint on December 2, 2019. A true and correct copy of the summons is attached as "Exhibit D."

6. Direct Energy Services, LLC, incorrectly named as Direct Energy, LLC was served with the summons and Complaint on December 13, 2019. A true and correct copy of the summons is attached as "Exhibit E."

7. Mega Energy of Massachusetts, LLC was served with the summons and Complaint on December 2, 2019. A true and correct copy of the summons is attached as "Exhibit F."

8. Renaissance Power & Gas, Inc. was served with the summons and Complaint on December 2, 2019. A true and correct copy of the summons is attached as "Exhibit G."

9. All Defendants who have been properly joined and served join in and consent to removal of the action. 28 U.S.C. § 1446(b)(2)(A).

10. Defendants have filed this Notice of Removal within thirty days of service of the Complaint on any Defendant and within thirty days of the date that the action was first removable. *See* 28 U.S.C. § 1446(b).

11. The United States District Court for the District of Massachusetts is a proper venue because it is the district and division embracing the place where the state-court action is pending. *See* 28 U.S.C. § 1441(a).

12. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because this is an action arising under federal law, the Federal Telephone Consumer Protection Act, 47 U.S.C. § 227. *See Ex A.*, Compl. ¶ 1; *see also Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 379 (2012).

13. Plaintiff also brings claims under Massachusetts's Telemarketing Solicitation statute (M.G.L. ch. 159C) and the Massachusetts Consumer Protection Act (M.G.L. ch. 93A). *See id.* The Court has supplemental jurisdiction over these state-law claims because they are so related to the federal-law claim that they form part of the same case or controversy. 28 U.S.C. § 1337; *see also* 28 U.S.C. § 1441(c).

14. By removing the action, Defendants do not waive any defenses that may be available to them.

CONCLUSION

This case should be removed because this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1337.

Defendants will provide Plaintiff with prompt written notice of the filing of this Notice of Removal and will file a copy of this Notice of Removal with the Massachusetts Superior Court, Essex County.

Defendants will file in this Court certified or attested copies of all records, proceedings, and docket entries of the state court action within 28 days of the filing of this Notice. *See Loc. R. 81.1(a).*

December 31, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2019, I served a copy of the foregoing via email and First Class mail to the self-represented party listed below.

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/s/ Andrew M. Buttaro

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